

Notice of Allowability

Application No.

09/105,840

Examiner

Man Phan

Applicant(s)

BILL, DAVID

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 11/30/2007.
2. ☒ The allowed claim(s) is/are 1-3, 6-9, 12-15, 18-19, 27, 29, 34, 36-49, 54-67, 72-98 (Claims are renumbered as 1-71 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for allowance

1. This communication is in response to applicant's 11/30/2007 amendment in the application of David Bill for the "Distributing personalized content" filed 06/26/1998. The proposed amendment has been entered and made of record. Claims 4-5, 10-11, 16-17, 20-26, 28, 30-33, 35, 50-53, 68-71 have been canceled per Applicant's request. Claims 1, 12-13, 18-19, 27, 36, 43-44, 47-48, 54-56, 58-67, 72, 79, 86-92 have been amended, and new claims 93-98 have been added. The claims have been amended to better point out and more distinctly claim subject matter comprising the invention.
2. Claims 1-3, 6-9, 12-15, 18-19, 27, 29, 34, 36-49, 54-67, 72-98 are allowable as evident by applicant's amendment (Claims are renumbered as 1-71 respectively).
3. The following is an examiner's statement of reasons for allowance: The prior art of record fails to disclose or suggest wherein a system including: a plurality of scores for content elements in a set of content elements in a pool, said scores being responsive to a predicted interest by an individual recipient of said one content element to a recipient; a result of comparing said scores with a selected threshold; an adjusted threshold, said adjusted threshold being determined in response to said result for comparing; a communication path disposed for coupling said one content element to said individual recipient, in response to said result of comparing; and a selected one of said content elements, said selected one being in response to said scores and said adjusted threshold; selecting a new pool that differs from the pool, wherein

the new pool is in response to replacing the pool entirely, and wherein the new pool includes an individual content element added to the pool, and excludes an individual content element removed from the pool, as specifically recited in the claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about

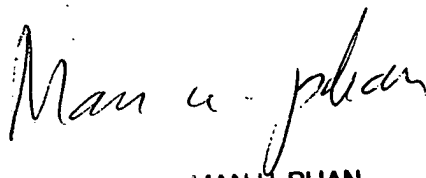
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the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

Mphan.

Feb. 14, 2008

A handwritten signature in cursive script that reads "Man u. phan".

MAN U. PHAN
PRIMARY EXAMINER